

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

| | | |
|-----------------------------------|---|---------------------|
| SHAWN W. BYRNE, | : | |
| Plaintiff | : | |
| | : | |
| v. | : | File No. 1:05-CV-15 |
| | : | |
| DAWN TERRILL, in her official | : | |
| capacity as Vermont Secretary of | : | |
| Transportation; and BONNIE L. | : | |
| RUTLEDGE, individually and in her | : | |
| official capacity as Vermont | : | |
| Commissioner of Motor Vehicles, | : | |
| Defendants | : | |

ORDER

The Magistrate Judge's Report and Recommendation was filed August 1, 2005 (Paper 36). After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Plaintiff's motion for preliminary injunction (Paper 15) is DENIED. Defendants' motion to dismiss (Paper 19) is DENIED.

The matter is hereby returned to the Magistrate Judge for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 23rd day of August, 2005.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge